

# TITLE 312 NATURAL RESOURCES COMMISSION

## Proposed Rule LSA Document #10-

### DIGEST

Amends 312 IAC 9-10-9 governing the wild animal rehabilitation permit. Effective thirty (30) days after filing with the Publisher.

312 IAC 9-10-9

#### SECTION 1. 312 IAC 9-10-9 IS AMENDED TO READ AS FOLLOWS:

##### **312 IAC 9-10-9 Wild animal rehabilitation permit**

Authority: IC 14-22-2-6; ~~IC 14-22-11-12~~

Affected: IC 4-21.5; IC 14-22

Sec. 9. (a) This section governs a permit to possess a wild animal for rehabilitation. The permit is required ~~for~~ **to temporarily possess any wild animal that is** a mammal, bird, reptile, or amphibian **for rehabilitation purposes** and is available only to an individual who is a resident of Indiana. ~~A white-tailed deer must not be possessed under this section for more than one hundred eighty (180) days unless a conservation officer inspects the animal and determines an extended period may be reasonably expected to result in its rehabilitation.~~

(b) **An individual may, without a permit, take possession of a sick, injured, or orphaned wild animal and transport it to an individual with a valid permit under this section within twenty-four (24) hours.**

~~(b)~~ (c) An application for a permit under this section shall be completed on a departmental form and must establish **provide** the following:

(1) The applicant has ~~rehabilitation experience and a knowledge of wildlife rehabilitation techniques. The required one year of experience and knowledge may be met by~~ **with one (1) of the following types of facilities that works with the species to be rehabilitated:**

(A) A bachelor of science degree in a wildlife related field.

(B) ~~At least one (1) year of experience with a:~~

(i) (A) **licensed veterinarian who has a wild animal rehabilitation permit;**

(ii) (B) **zoological park;**

~~(iii) (C) university animal clinic;~~

~~(iv) county animal shelter; or~~

~~(v)~~ (D) **licensed rehabilitation clinic wild animal rehabilitator who has had a permit for at least three (3) years.**

~~(C) Possession for at least two (2) years of another permit under this section.~~

~~(D) Other knowledge and background, including the completion of rehabilitation workshops and seminars, if found by the division director to qualify the applicant.~~

**Documentation of the experience with a licensed veterinarian, university animal clinic, zoological park, or licensed wild animal rehabilitator must be submitted with the application.**

(2) The name and address of a veterinarian willing to assist the applicant with the rehabilitation of wild animals. The veterinarian shall sign the application and attest to having experience in the care ~~and rehabilitation of the species of wild mammals and birds animals to be rehabilitated.~~ If the applicant is a veterinarian, the signature of another veterinarian is not required.

(3) A listing of the wildlife rehabilitation reference books in possession of the applicant. **The individual must have at least one (1) reference book that:**

**(A) includes information pertaining to each species listed on the application form, and**

**(B) is on the list approved by the department.**

(4) The names, addresses, and telephone numbers of any other individuals who will assist the applicant. ~~Assistants must possess sufficient experience and adequate facilities to tend the species in their care and be authorized in writing by the permit holder to provide care for that species of animal in their own facility.~~

(5) The species **or type of animals** that will be accepted for rehabilitation.

(6) A description of the rehabilitation facilities, equipment, and supplies. The description shall include the following:

(A) Cages.

(B) Intensive care units.

(C) Aviaries.

(D) ~~Falconry equipment.~~

~~(E) Medical diagnostic equipment.~~

~~(F) Medical supplies.~~

~~(G) Food sources.~~

~~(H)~~ (E) Other items to be utilized in the rehabilitation process.

A cage description shall provide its internal dimensions and shall specify the materials used for flooring, walls, and perches. ~~The applicant shall list what species will be housed in the various enclosures and the purpose for each enclosure, for example, convalescing, training, or quarantine.~~

**(7) The applicant is at least eighteen (18) years old.**

~~(c)~~ **(d) Before a permit may be issued the applicant must correctly answer at least eighty percent (80%) of the questions on a written examination supervised and administered by the department covering basic biology, care of wild animals and the laws relating to wild animal rehabilitation.**

**(1) An individual who fails to correctly answer at least eighty percent (80%) of the questions on the examination may retake the examination no more than two (2) additional times within ninety (90) days, but not again within one hundred eighty (180) days after the third failure.**

**(2) Exempted from this subsection is an individual who has had a permit under this section for ten (10) years and taken in at least twelve (12) wild animals each year for rehabilitation. However, all individuals who have a permit under this subsection must meet the requirements in subsection (e).**

**(e) A permit holder who has satisfied subsection (d) must, within three (3) years of being issued a permit, either:**

**(A) satisfy the same requirements as are set forth in subsection (d) on another examination;**  
**or**

**(B) complete eight (8) hours of continuing education as approved by the division, including courses that will be sponsored by the department, National Wildlife Rehabilitator's Association or International Wildlife Rehabilitation Council.**

**(f) A conservation officer must inspect the cages and any other enclosures where wild animals will be housed before a permit may be issued to a new applicant. A conservation officer may inspect the enclosures, wild animals, and any records relative to a permit issued under this section at any reasonable hour.**

**(g) An amended application or written request must be filed with the division if there is a material change to the information address of the applicant, the name of the assisting veterinarian, the identity of assistants or the addition of species of wild animals that was provided in the original application. ~~The amended application must include the name, address, and telephone number of any additional person who would assist the permit holder.~~**

~~(d)~~ **(h)** The permit holder must file an application by January ~~15~~ **31** of each year in order to renew the permit. The annual report required under subsection ~~(i)~~ **(m)** must accompany the renewal application. The signature of a veterinarian is not required for a renewal application.

~~(e)~~ **(i)** The issuance of a permit under this section does not relieve an individual from any requirement for a federal permit. If the terms of a federal permit and the permit issued under this section differ, the more restrictive terms prevail.

~~(f)~~ **(j)** **Public exhibition or display of any** A wild animal possessed pursuant to a permit issued under this section ~~must not be displayed or placed in physical contact with the public, except according to the terms of an educational permit issued under section 9.5 of this rule. is prohibited. Only assistants and other individuals dropping off an animal for rehabilitation at the permit holder's facility may view or have contact with the wild animal unless specifically authorized in writing by the department. Electronic viewing and photographs are allowed.~~

~~(g)~~ **(k)** A permit holder must maintain facilities for the retention of a wild animal possessed under this section in a sanitary condition **as follows** and ~~to~~ conform with any other conditions specified by the permit:

- (1) Cages must be cleaned daily using non-irritating methods unless medical treatment necessitates otherwise.**
- (2) The permit holder and any assistants listed on the permit must observe and provide care for wild animals at least once daily unless otherwise specified by the permit.**
- (3) Wild animals must be kept in enclosures and in an environment that minimizes human contact at all times to prevent imprinting and bonding to humans. The permit holder or designated assistants should interact with the wild animal only to the extent necessary to provide adequate care and treatment.**
- (4) Wild animals must not be allowed to come into contact with any individuals other than a permit holder, assistant listed on a rehabilitation permit, licensed veterinarian, animal control officer, law enforcement officer, or authorized department employee.**
- (5) Wild animals must not be housed in a cage that would allow physical contact of the animals undergoing rehabilitation with domestic or companion animals or animals kept under any other license or permit unless authorized in writing by the department.**
- (6) If suspected of having an infectious disease, wild animals must be quarantined in areas designated for that purpose.**
- (7) Wild animals must be kept separated from human living quarters and activities unless intensive care is required, but unweaned wild animals may be housed in human living quarters that are away from human activities.**
- (8) Wild animals must be housed in enclosures that:**
  - (A) are structurally sound;**
  - (B) are of sufficient strength for the species involved;**
  - (C) are maintained in good repair to prevent escape or injury to wild animals being rehabilitated;**
  - (D) are constructed to allow sufficient space for individual posture and social movements, unless medical treatment necessitates restricted mobility,**
  - (E) are secured when unattended;**
  - (F) have protective devices at entrances and exits to prevent escapes if kept outdoors and if needed to prevent injuries to human or the animal's health;**
  - (G) have ambient temperatures that are appropriate for the species located within the enclosure;**
  - (H) have adequate ventilation by means of windows, doors, vents, fans or air**

conditioning to protect wild animal health and to minimize drafts, odors and condensation;

(I) maintain adequate lighting by artificial or natural means that is cycled for appropriate photoperiod, if necessary for the species in possession;

(J) provide adequate shade, weatherproof shelters, nest boxes, perches, and dens to protect wild animals from inclement weather and direct sun if kept outdoors.

(9) No exposed sharp objects, ponds with steeply sloped banks, toxic paints or sealants, or poisonous vegetation may be used in the construction of enclosures.

(10) Enclosures shall have either visual barriers or be separated by distance to restrict a wild animal's view of humans and other species being rehabilitated to reduce inappropriate imprinting, socialization, habituation, or stress, unless a view of humans and other wild animals will not affect the animal's ability to survive in the wild.

(11) Wild animals must be fed as follows:

(A) appropriately and adequately to meet nutritional needs unless medical treatment necessitates restricted food intake.

(B) with food that is palatable, free of contamination, and of sufficient quantity and nutritive value for the species involved, including the use of supplemental vitamins and minerals when necessary for recovery.

(C) with food receptacles that are appropriately sized, easily accessible, and kept sanitary and safe.

(12) Wild animals must be given water as follows:

(A) fresh clean water for drinking shall be provided throughout the day unless medical treatment necessitates restricted water intake

(B) additional water shall be provided for species requiring bathing, swimming, or misting unless medical treatment necessitates restricted water exposure.

(C) with water receptacles that are appropriately sized, easily accessible, kept sanitary as much as possible and safe.

(13) Removal and disposal of wild animal food wastes, feces and urine, bedding, from the enclosure and premises shall be performed daily to maintain sanitary conditions and protect wild animal and human health. Trash, garbage, debris, and carcasses must be removed from the enclosure as soon as they are observed and appropriately disposed of.

(14) Cages, rooms, hard surfaced pens, kennels, runs, equipment, and food and water receptacles shall be sanitized between each adult wild animal use and between litters to prevent disease transmission.

~~(h)~~ (I) A permit holder must maintain current records for each wild animal to include the following:

(1) The species and condition of the animal.

(2) The name, address, and telephone number of the donor or other source of the animal.

(3) The date of receipt by the permit holder.

(4) The treatment, **including the identification of and date of administration of any pharmaceutical product or other chemical** provided to the animal while in captivity.

(5) The method and date of disposition of the wild animal.

**All records must be maintained at the facility of the permit holder for a minimum of three (3) years.**

~~(j)~~ (m) The permit holder shall provide ~~an~~ **a signed** annual report to the division by January ~~15~~**31** of each year. The report shall list the following:

(1) The species and condition of each animal.

(2) The date the animal was received.

(3) The name and ~~address~~ **county** of the donor or other source.

(4) The method, location, and date of disposition of the animal.

The report may be a computerized record signed by the permit holder under oath or affirmation to be a true and accurate account of all wild animals taken in for rehabilitation during that year or on a form provided by the department and must be maintained at the facility of the permit holder for a minimum of three (3) years.

~~(j)~~ (n) As soon as a wild animal is capable of fending for itself, the animal ~~shall~~ **must** be released into the wild as directed by a conservation officer. If a wild animal is not capable of fending for itself, a conservation officer must be contacted for instructions concerning its disposition. follows:

(1) The wild animal must be released on land only with permission of the landowner.

(2) Mammals must be tagged or marked as directed by the department if given a pharmaceutical product or other chemical for the purpose of tranquilizing or anesthetizing the mammal unless the product administered is labeled as safe for human consumption and the mammal is released after the clearance period.

(3) A bird must be released in the county from which it was originally found except as follows:

(A) A bird that is being released outside the breeding season for that species,

(B) A bird that has been in a rehabilitation facility for ninety (90) calendar days or more, or

(C) a bird that is not in the order Anseriformes, Charadriiformes, Columbiformes,

Falconiformes, Galliformes, Gruiformes, or Strigiformes

may be released in appropriate habitat in any county that is within that species' normal range in Indiana.

(4) A reptile or amphibian must be released at the site where found, unless the origin is unknown. If the origin is unknown, the reptile or amphibian may be released in appropriate habitat in the permit holder's county of residence.

(5) For mammals, the following applies:

(A) A mammal must be released in the county from which it was originally found or obtained, unless the origin is unknown. If the origin is unknown, the mammal may be released in appropriate habitat in the permit holder's county of residence.

(B) In addition to the requirements in subsections (n)(1), (n)(2) and (n)(5)(A), raccoons, Virginia opossums, striped skunks, coyotes, and foxes must be released only as follows or be euthanized:

(i) the release site must consist of at least two (2) contiguous acres,

(ii) no more than eight (8) animals per species may be released per two (2) acres of any site per calendar year, and

(iii) no more than twenty-four (24) animals per species may be released on any site by a permit holder in a calendar year.

(C) In addition to the requirements in (n)(1), (n)(2) and (n)(5)(A), white-tailed deer must be released only as follows or be euthanized:

(i) the release site must consist of at least five (5) contiguous acres,

(ii) the release site must be outside city limits, and

(iii) no more than ten (10) white-tailed deer may be released per site per calendar year.

(o) A permit holder may keep a non-releasable wild animal, other than a white-tailed deer, only if approved by the division of fish and wildlife as follows:

(1) for educational purposes under a special purpose educational permit under 312 IAC 9-10-9.5 as follows:

(A) for mammals other than white-tailed deer:

(i) a wild animal possession permit must be obtained under 312 IAC 9-11,

(ii) no more than three (3) mammals per species and six (6) mammals total may be possessed if twelve (12) or fewer total mammal programs are presented to the public each calendar year,

(iii) no more than five (5) mammals per species and no more than twenty (20)

mammals total may be possessed if thirteen (13) or more total mammal programs are presented to the public each calendar year,  
(iv) exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

**(B) For birds:**

- (i) a special purpose educational permit must be obtained under 312 IAC 9-10-9.5,
- (ii) no more than three (3) birds per species may be possessed and six (6) birds total if twelve (12) or fewer programs with each bird are presented to the public each calendar year,
- (iii) no more than five (5) birds per species may be possessed and no more than twenty (20) birds total if thirteen (13) or more bird programs with each bird are presented to the public each calendar year,
- (iv) exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

**(C) For reptiles:**

- (i) a turtle possession permit must be obtained under 312 IAC 9-5-11 to possess an eastern box turtle and a wild animal possession permit must be obtained under 312 IAC 9-11 to possess an endangered species of reptile.
- (ii) no more than three (3) reptiles per species and six (6) reptiles total may be possessed if twelve (12) or fewer total reptile programs are presented to the public each calendar year,
- (iii) no more than four (4) reptiles per species and no more than twenty (20) reptiles total may be possessed if thirteen (13) or more total reptile programs are presented to the public each calendar year,
- (iv) exceptions to these numbers may be granted upon prior written approval from the division based on the number of educational programs presented to the public in the previous year.

(2) for fostering other wild animals only if five (5) mammals or birds of the same species have been reported in at least the two (2) previous years.

(3) wild animals that have been used in educational programs or as foster parents and are no longer capable of being used in that capacity due to age or health may be kept with written permission from the division of fish and wildlife.

(4) wild animals possessed lawfully prior to July 1, 2010 are exempt from the requirements in this subsection.

(5) non-releasable wild animals may be transferred to another individual licensed under this subsection or an individual with a falconry license under 312 IAC 9-10-13 that has had a permit for at least three (3) consecutive years and will use the animal for fostering or educational programs in accordance with this subsection.

(6) A determination that a wild animal is non-releasable must be based upon a licensed veterinarian's examination and statement.

(7) As used in this subsection, "non-releasable" means a wild animal that:

- (A) cannot obtain food on its own in the wild,
- (B) does not exhibit locomotive skills necessary for that species to survive,
- (C) does not possess adequate vision to find/catch food and maneuver in a normal manner, or
- (D) cannot otherwise fend for itself without medical care due to disease or extensive injuries.

**(p) An individual who does not hold a permit under this section but is listed as an assistant on a permit issued under this section, may assist a permit holder, but only if the permit holder supervises the individual as follows:**

**(1) An assistant must be at least sixteen (16) years of age to provide assistance at the permit holder's facility.**

**(2) An assistant under the age of eighteen (18) must be under the direct and on-site supervision of the permit holder.**

**(3) An assistant of eighteen (18) years of age or older may provide assistance at the permit holder's facility or as follows:**

**(A) with written authorization an assistant listed on the permit may possess a wild animal under this section at a location not authorized on the permit for no more than thirty (30) consecutive days unless authorized by the department,**

**(B) the permit holder maintains responsibility for the care of the wild animal,**

**(C) the permit holder provides supervision with written instructions and is available for phone contact with the assistant at all times,**

**(D) the facilities of the assistant meet the same facility standards as the permit holder,**

**(E) the wild animal possessed by an assistant are returned to the permit holder at the time of weaning or release, whichever comes first,**

**(q) A permit holder may possess a wild animal for rehabilitation under this section for one hundred eighty (180) days except as follows:**

**(1) Exceptions may be approved by the department but additional time will not be authorized for the sole purpose of releasing the wild animal outside the hunting season for that species.**

**(2) Migratory birds may only be possessed in accordance with the permit holder's federal migratory bird permit.**

**(3) Turtles with shell fractures may be possessed for up to two (2) years if housed separately from all other turtles.**

**(r) All white-tailed deer that are taken in for rehabilitation and determined to be non-releasable must be euthanized. No more than twenty (20) white-tailed deer may be taken in for rehabilitation by a permit holder in one (1) calendar year.**

**(s) A mammal, non-migratory bird, reptile or amphibian taken in for rehabilitation that is:**

**(1) diseased; or**

**(2) severely injured, unless determined by a licensed veterinarian to be treatable and released within one hundred eighty (180) days from the date obtained by the licensed rehabilitator; or**

**(3) is a turtle with a shell fracture unless determined by a licensed veterinarian to be treatable and released within two (2) years.**

**must be euthanized.**

**(t) Euthanasia must be carried out with the:**

**(1) safest;**

**(2) quickest; and**

**(3) most painless**

**available method as recommended and approved by the division of fish and wildlife.**

**(u) Carcasses of wild animals that are euthanized or otherwise die while in the care of a permit holder must be:**

**(1) Buried,**

**(2) Incinerated on private property with prior permission of the landowner,**

**(3) Given to a veterinarian or landfill for proper disposal,**

**(4) Put in the trash if double-bagged,**

- (5) If euthanized with chemicals, disposed of only according to the chemical label,**
- (6) Kept for educational purposes only if the permit holder also has a special purpose salvage permit issued under 312 IAC 9-10-13.5,**
- (7) Donated to a properly licensed university or other educational or scientific institution that has a special purpose salvage permit issued under 312 IAC 9-10-13.5, or**
- (8) Donated to a person with a permit from the United States Fish and Wildlife Service for Native American religious purposes.**

~~(4)~~ **(v) A permit holder must not:**

**(1) commercially advertise rehabilitation services or solicit for rehabilitation a wild animal that is subject to this section,**

**(2) have a wild animal spayed or neutered or in any way have their reproductive function altered, or**

**(3) mark or tag the wild animals in any way, such as with a collar or ear-tag, except as required in subsection (n)(2) or in writing from the department.**

**(w) A permit holder must notify the department within twenty-four (24) hours of acquiring an endangered species or a bald or golden eagle, whether live or dead, and the location and date of acquisition.**

**(x) A permit holder must notify the department within twenty-four (24) hours if the permit holder has reason to believe that a wild animal has been subjected to criminal activity.**

**(y) Wild animals, including their carcasses and parts, possessed under this section must not be sold, bartered, or transferred to another individual or to a permit holder's game breeder license except:**

**(1) as authorized in subsection (u), or**

**(2) a live wild animal is transferred to another individual with a permit under this section.**

**(z) A copy of the permit issued under this section must be possessed by the permit holder when transporting a wild animal possessed under this section to another location and be available and on-site when possessing and caring for wild animals authorized under this section.**

~~(4)~~ **(aa) A permit may be suspended, denied, or revoked under IC 4-21.5 if the permit holder fails to comply with any of the following:**

**(1) A permit issued under this section.**

**(2) This article or IC 14-22.**

~~**(3) Another applicable state, local, or federal law.**~~

*(Natural Resources Commission; 312 IAC 9-10-9; filed May 12, 1997, 10:00 a.m.: 20 IR 2730; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 550; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*